

JURISDICTION:

**NEBRASKA**

General Reference:

This chapter summarizes Nebraska State statutes related to speed.  
Revised Statutes of Nebraska

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §60-6,185

Statutory Speed Limit:  
See Other below.

75 MPH on State freeways<sup>1</sup> and Federal interstate highways<sup>2</sup> §60-6,186(1)(g)  
65 MPH on a State expressway<sup>3</sup> §60-6,186(1)(f)  
60 MPH on other State highways §60-6,186(1)(e)(II)  
55 MPH upon any dustless-surfaced highway not part of the State highway system §60-6,186(1)(d)  
50 MPH upon a non dustless-surfaced highway not part of the State highway system §60-6,186(1)(c)  
25 MPH in a residential district §60-6,186(1)(a)  
20 MPH in a business district §60-6,186(1)(b)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State or local governments may increase or decrease the above statutory speed limits.<sup>4</sup> However, the State cannot increase the maximum statutory speed limits on rural highways and freeways. And, on county highways that are not part of the State highway system, a local government cannot establish a speed limit <35 MPH outside either a residential or business district. §§60-6,186(2) and 60-6,190(1) & (3)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §60-6,193(1), (2) & (6)  
II. On a freeway, no motor vehicle can be operated <40 MPH.<sup>5</sup> §60-6,193(2)  
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §60-6,131(2)

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit:

The State or a local government by establish minimum posted speed limits for a highway. §60-6,193(3)

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<sup>1</sup>A "freeway" is defined as "an expressway with full control of access." §39-1302(17)

<sup>2</sup>**Exceptions.** The maximum speed limit is 60 MPH on any State freeway or interstate highway in Douglas County, on Interstate 180 in Lancaster County and on Interstate 129 in Dakota County. §60-6,186(1)(g)(I) & (II)

<sup>3</sup>An "expressway" is defined as "a divided arterial highway for through traffic with full or partial control of access which may have grade separations at intersections." §39-1302(13)

<sup>4</sup>**Historical Note:** The State legislature repealed the provisions that allowed the State to provided for different speed limits at specified times of the day, for certain weather conditions, for various types of vehicles, and for other factors concerned with safe speeds. §10 of Legislative Bill 901 enacted in 1996

<sup>5</sup>Either the State or a local government may alter this minimum speed limit on a freeway. §60-6,193(2)

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Other:

- I. In maintenance, repair or construction zones, the speed limit is 35 MPH in rural areas and 25 MPH in urban ones. However, the speed in such zones may be increased but not greater than the maximum limit provide by law. §60-6,188(1) & (3)
- II. Based upon an investigation, either the State or a local government may establish safe maximum speed limits for bridges, causeways, viaducts or other elevated structures. §60-6,189
- III. A vehicle towing a mobile home shall not be driven >50 MPH. §60-6,187(1)
- IV. A school bus carrying children is subject to special speed limitations.<sup>6</sup> §60-6,187(2)
- V. No person shall operate a "livestock forage vehicle" at a speed (1) >20 MPH in a business district, (2) >25 MPH in a residential district or (3) >55 MPH on any other highway except a freeway outside a business or residential district. However, these speed limits may be altered via §60-6,190. §60-6,305(3)
- VI. A moped shall not be driven >30 MPH. §60-6,313

### Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions (but are disposed of in the same manner as misdemeanors). §§60-672, 60-682, 60-682.01 & 60-688

Other:

### Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

**None**

Exceeding the Speed Limit: (1) 1 to 5 MPH Over the Speed Limit-**\$10** (2) 6 to 10 MPH Over the Speed Limit-**\$25** (3) 11 to 15 MPH Over the Speed Limit-**\$75** (4) 16 to 20 MPH Over the Speed Limit-**\$125** (5) >21 MPH Over the Speed Limit-**\$200** (6) These fines are **doubled** if the offense occurred in either a construction zone or a school crossing zone. §60-682.01

Other Violations: 1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense (within 1 year)-Not more than **\$300** §60-689

Mandatory Min. Fine (\$):

**None**

### Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Other Penalties:

Traffic School:

The court may require a person, who has been convicted of a moving

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<sup>6</sup>I. Such a vehicle shall not be driven >55 MPH on State highways. However, this limit does not apply on freeways (except during the nighttime), dustless-surfaced highways or State highways designed by the State for speed limits of 75 MPH. §60-6,187(2)(a) II. Such a vehicle shall not be driven >45 MPH during the daytime or >40 MPH during the nighttime on non dustless surfaced highways that are not part of the State highway system. §60-6,187(2)(b) & (c)

Other:	violation, to attend a driver improvement school. §60-691
Licensing Action:	
Type of Licensing Action	
(Susp/Rev):	<b>Revocation</b> via a Point System <sup>7</sup> §§60-499, 60-4,182 & 60-4,183
Term of License Withdrawal	
(Days, Months, Years, etc.):	<b>Revocation</b> via a Point System- <b>6 months</b> §§60-499, 60-4,182 & 60-4,183
Mandatory Minimum Term of	
Withdrawal:	<b>Revocation</b> via a Point System- <b>None</b> A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01
Miscellaneous Sanctions	
Not Included Elsewhere:	<b>Suspension</b> via Court Order- <b>10 days to 1 year</b> <sup>8</sup> Note: This action is discretionary not mandatory. §60-496
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Racing on Highway:</u>	Class II Misdemeanor §60-6,195(1) & (3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than <b>6 months</b> §28-106(1)
Mandatory Minimum Term:	<b>None</b>
Fine (\$ Range):	Not more than <b>\$1,000</b> §28-106(1)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	<b>Possible Revocation</b> via a Point System <sup>7</sup> -§§60-499, 60-4,182 & 60-4,183

<sup>7</sup>**Point System.** I. If an offender accumulates 12 points within 2 years, their license is revoked for 6 months and they must attend a driver education and training course for at least 8 hours. If the offense involved incarceration, the license revocation begins after the offender is released from such confinement. §60-4,183 An offender <21 years old, who accumulates 6 points within 12 months, must attend an 8 hour driver improvement course. If they fail to attend this course, their license is suspended until either they complete the course or they reach the age of 21. §60-4,130.03 II. Points have been assigned as follows: Willful reckless driving-6 points; reckless driving-5 points; careless driving-4 points; speeding ≤5 MPH over the speed limit-1 point; speeding >5 MPH but <10 MPH over the speed limit-2 points; speeding >10 MPH over the speed limit-3 points; and, for other violations-1 point. However, on highways with maximum speed limits of either 60, 65 or 75 MPH, the following points have been assigned for speeding violations: For exceeding the speed limit by <10 MPH-1 point; for exceeding the speed limit by >10 MPH but <15 MPH-2 points; and, for exceeding the speed limit by >15 MPH-3 points. §60-4,182

<sup>8</sup>The court is authorized to take such action only if the offense involved driving in such a manner as to endanger life, limb or property. *State v. Mann*, 246 N.W.2d 604 (Neb. 1976)

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Note: There is no specific point assignment for the offense of racing on the highways. However, the law does provide an assignment

### Other Criminal Actions Related to Speeding: (continued)

#### Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action: (continued)

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

of 1 point for all other moving violations. This could include such offense.

**Revocation** via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183

**Revocation** via a Point System-**None** A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01

Other:

I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

II. **Suspension** via Court Order-**10 days to 1 year**<sup>8</sup> Note: This action is discretionary not mandatory. §60-496

#### Willful Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Class I, II or III Misdemeanor §§60-6,214, 60-6,216, 60-6,217 & 60-6,218

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

**None**

1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

1st or subsequent offense-Revocation §§60-6,216, 60-6,217 & 60-6,218

1st offense-30 days to 1 year §60-6,216 2nd offense-60 days to 2 years §60-6,217 Subsequent offense-1 year §60-6,218

Mandatory Term of License

Withdrawal Action:

1st offense-30 days §60-6,216 2nd offense-60 days §60-6,217 Subsequent offense-1 year §60-6,218 The minimum period of revocation are mandatory. §60-498(7)

### Other Criminal Actions Related to Speeding: (continued)

#### Willful Reckless Driving: (continued)

<sup>9</sup>"Willful reckless driving" is defined as operating a motor vehicle "in such a manner as to indicate a willful disregard for the safety of persons or property." §60-6,214

<sup>10</sup>An employment driving permit is not available. §60-4,129

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Other: I. License revocation periods are not to run concurrently with periods of incarceration. §§60-6,216, 60-6,217 & 60-6,218  
 II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(¶2)  
 III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691  
 IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

Reckless Driving: Class I, II or III Misdemeanor §§60-6,213, 60-6,215, 60-6,217 & 60-6,218

Sanction:

Criminal:

Imprisonment (Term):

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term of Imprisonment:

**None**

Fine (\$ Range):

1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

**None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev):

1st offense-Revocation via the Point System<sup>7</sup> §§60-499, 60-4,182 & 60-4,183 2nd or subsequent offense-Revocation §§60-6,217 & 60-6,218

Length of Term of License Withdrawal Action:

1st offense-Revocation via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183 2nd offense-60 days to 2 years §60-6,217 Subsequent offense-1 year §60-6,218

Mandatory Term of License Withdrawal Action:

1st offense-Revocation via a Point System-**None** A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01 2nd offense-60 days §60-6,217 Subsequent offense-1 year §60-6,218 For 2nd or subsequent offenses, the minimum period of revocation appears to be mandatory.

Other:

I. For 2nd or subsequent offenses, the license revocation periods are not to run concurrently with periods of incarceration. §§60-6,217 & 60-6,218  
 II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(¶2)  
 III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

## Other Criminal Actions Related to Speeding: (continued)

Reckless Driving: (continued)

Other: (continued)

IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

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<u>Careless Driving:</u>	Traffic Infraction (Civil Offense) §60-672, 60-682 & 60-6,212
Sanction:	
Criminal:	
Imprisonment (Term):	<b>None</b>
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<u>1st offense</u> -Not more than <b>\$100</b> <u>2nd offense</u> (within 1 year)-Not more than <b>\$200</b> <u>Subsequent offense</u> (within 1 year)-Not more than <b>\$300</b> §60-689
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<b>Revocation</b> via a Point System <sup>7</sup> -§§60-499, 60-4,182 & 60-4,183
Length of Term of License Withdrawal Action:	<b>Revocation</b> via a Point System- <b>6 months</b> §§60-499, 60-4,182 & 60-4,183
Mandatory Term of License Withdrawal Action:	<b>Revocation</b> via a Point System- <b>None</b> A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01
Other:	I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691 II. <b>Suspension</b> via Court Order where there has been danger to life, limb or property- <b>10 days to 1 year</b> Note: This action is discretionary not mandatory. §60-496

### Commercial Motor Vehicle (CMV) Operators:

#### Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" within a

### Commercial Motor Vehicle (CMV) Operators: (continued)

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<sup>11</sup>"Careless driving" is defined as operating a motor vehicle "carelessly or without due caution so as to endanger a person or property." §60-6,212

<sup>12</sup>A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either and is a heavy vehicle with varying weight capacities (e.g., Class A Combination Vehicles 26,000 lbs. with towed vehicles weighing >10,000 lbs., Class B Heavy Single Vehicles weighing >26,001 lbs. and Class C Small Single Vehicles weighing <26,001 lbs.), is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §60-4,138(2)

<sup>13</sup>A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §60-4,168(6) & (b)

Grounds for Disqualification: (continued)

3 year period or (2) commit 3 such violations within a 3 year period. §60-4,168(4)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §60-4,168(4)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §60-4,168(4)

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